

REMARKS

Claims 1, 2, 7 and 9 – 13 and 20 - 26 are currently pending in this application.

Rejections under 35 USC §102(b)

Claims 1, 7 and 8 were rejected under 35 USC 102(b) as being anticipated by Fromm. It is noted that claim 8 was previously canceled. Fromm discloses a handbag having an outer cover with a removable lining pouch.

Claim 1 requires the limitation that the inner handbag have a durable outer cover. Fromm not only does not disclose this feature but teaches away from that limitation in disclosing an inner lining pouch having a silk or satin outer surface (column 4, line 67). The outer cover of the inner handbag is preferably formed of such low friction materials (column 5, lines 5 and 6). Also, claim 1 as amended now requires limitations of magnets within the inner lining of the outer cover and magnets of opposing polarity within the outer lining of the inner handbag. Fromm does not disclose this feature.

The law is well settled that in order for a reference to anticipate under 35 USC 102, every element must be disclosed with sufficient clarity to enable one skilled in the art to be enabled. This is not the case here. Fromm fails to adequately disclose the claimed invention as described above. Since Fromm fails to disclose each element of claim 1, claims 1 and 7 should be allowable.

It is noted that Sutton does disclose magnetic fasteners. These are not mounted within the linings of the outer cover or inner handbag and would scuff the inner handbag during removal of the outer cover.

Rejections under 35 U.S.C. §103(a)

Claims 2 and 20 - 22 was rejected as obvious over the Fromm reference in further view of Rosenberg. There is no disclosure of the claimed limitations nor is there any disclosed suggestion, teaching or motivation for modifying the devices of the above references to achieve the claimed limitations of claim 20.

Rosenberg fails to disclose an inner handbag that may be used without an outer cover. Claim 20 specifically requires that limitation. Rosenberg also does not disclose a protective inner lining on the outer cover. As stated by the Federal Circuit in *In re Fritch*, 23 USPQ 2d 1780, 1783-1784 (Fed. Cir. 1992), "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." This is the situation here. There is no suggestion, teaching or disclosure of providing an inner handbag having a durable cover and that is removable from the outer handbag which has a protective inner lining for separate use by itself. Claim 20 is thus allowable.

Claims 1, 3, 7, 9, 12 and 26 were rejected as being unpatentable over Salz in view of Fromm. Both Salz and Fromm fail to disclose a handbag having an inner handbag with a durable cover that may be used with an outer cover or without the outer cover. There is no teaching in either reference of these limitations or any suggestion of doing so. These handbag inner pouches are formed of non durable materials. Also, neither of these references disclose magnetic fastening systems mounted within the linings. As discussed above and in accordance with well settled law, there must be a suggestion, teaching or disclosure of a modification or a suggestion in the prior art of the desirability of the modification. There is no such suggestion in this instance. Claims 1, 2, 7, 9, 12 and 26 are thus allowable.

Claims 1, 3 and 9 - 11 were rejected under 35 USC 103(a) as unpatentable over Sutton in view of Fromm. Again, neither Sutton or Fromm discloses an inner handbag having a durable cover that may be used with or without an outer cover. Also, neither reference disclose a magnetic fastening system mounted within the respective linings. Thus, claims 1, 3 and 9 - 11 are allowable.

Claims 13 and 23 - 25 were rejected under different references discussed above in view of Smith. As discussed above none of the references disclose an inner handbag having a durable cover that may be used with or without an outer cover. For these reasons alone, these claims are allowable. Further, none of these references, including Smith, disclose reinforcement tabs that are in the shape and design of the zipper pull tabs of the handbag. A finding of obviousness under 35 USC 103 requires more than a mere allegation of obviousness. There must be an explicit teaching of why such a modification to the prior art would be desired. There is no such teaching in the cited prior art. These claims are clearly allowable over the prior art.

The pending claims are now considered to be in condition for allowance. An early Notice of Allowance is hereby respectfully requested.

The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

Date: 3/2/06

By: Glenn L. Webb
Glenn L. Webb, Reg. No. 32,668
PO 951
Conifer, CO 80433
303 816 4893